

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL
2003 (Licensing Act 2003 Functions)

9.30AM – 25 JULY 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Mrs Simson (Chair); Councillors Pidgeon and Tonks.

PART ONE

16. ELECTION OF CHAIR

16.1 **RESOLVED** – That Councillor Mrs Simson be elected Chair for the meeting.

17. PROCEDURAL BUSINESS

17A. Declarations of Substitutes

17.1 Councillor Tonks substituted for Councillor Watkins.

17B. Declarations of Interest

17.2 There were none.

17C. Exclusion of Press and Public

17.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

17.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the following item.

18. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT MARINE TAVERN

18.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence at the Marine Tavern (see Minute Book).

18.2 The applicants representative Mr Phipps attended the Panel with the licensee, Mr Chilingworth and Mr Grant from Punch Taverns. Mr Scoble attended to represent objectors from the Kingscliff Society.

18.3 The Licensing Manager summarised the application as set out in the report. There were no representations from Sussex Police or Environmental Health. There was no evidence of noise nuisance. The council did not have a policy in relation to cumulative impact. Each application should be considered on its own merits.

18.4 Mr Scoble considered that cumulative impact should be taken into account. The cumulative effect of noise in the area caused a problem for residents whose sleep was disturbed. With regard to this particular application he stressed that the public house was an old building and extended music would affect the adjoining owner and neighbours living nearby. He requested a condition that the premises should have sound insulation on the party walls. He was also concerned at the noise caused by people leaving the premises.

18.5 The applicants representative, Mr Phipps informed the Panel that the public house was tiny and the Kingscliff Society's concerns could not be attributed to licensed premises. The application for recorded music would be background music only. There was no application for dancing. Customers were from the immediate area.

18.6 The Panel Solicitor reminded Members that the cumulative impact argument was not in line with government guidance, which considered that a gradual dispersal from licensed premises would assist cumulative impact.

18.7 **RESOLVED** – That the application for a variation of the premises licence already granted under “grandfather rights” be granted with no conditions.

Reasons for granting licence: There are no grounds for objection in relation to noise nuisance at these premises.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

19. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE

HARTINGTON

19.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a premises licence at the Hartington (see Minute Book).

19.2 The applicant's representative Mr Phipps attended the Panel with the pub landlord and Mr Grant of Punch Taverns. Ms Wharam attended the Panel as an objector to the application.

19.3 The Licensing Manager summarised the application as set out in the report. He reported that there had been four objections to the application and not five objections as stated in the report. There had been no representations from the Police or Environmental Health. No noise complaints had been made to Environmental Health.

19.4 Ms Wharam set out her objections to the application. She considered that the change in hours would have an impact on her ability to work full time. It would affect her human rights to have a peaceful family life. The area was residential with a high proportion of families with young children, whose sleep could be disturbed. Ms Wharam reported that there were benches outside the pub that could seat about twenty people. The doors were open from spring to autumn. The noise was considerable and went on till midnight. Ms Wharam gave examples of occasions when people using the public house had become aggressive, loud or behaved in an inappropriate manner outside the premises (i.e swearing, shouting and urinating). She could hear music clearly in her house. Ms Wharam had asked staff at the pub to close doors and windows and this had helped for a short while. However, the doors and windows were now kept open again.

19.5 Ms Wharam confirmed that she had not made a complaint to Environmental Health.

19.6 The applicant's solicitor Mr Phipps suggested conditions to be attached to the licence. These were 1) outside areas of the premises including garden to cease operating by 23.00 hours. 2) Doors to remain closed from 22.30 hours. 3) Live music and karaoke be limited to 12 occasions each year and limited to 23.00 hours in any event. Recorded music after 23.00 hours will be background music only. Mr Phipps suggested that the hours should be amended to 23.00 hours on Monday and Tuesday. Midnight on Wednesday and Thursday. 01.00 hours on Friday and Saturday and midnight on Sunday.

19.7 The licensee confirmed that no windows were open on the front of the building.

19.8 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the

following conditions:-

- (1) The outside area to be closed to patrons at 23.00 hours on all days.
- (2) Doors to be closed at 22.30 on all evenings save for access and egress.
- (3) Recorded music to be reduced to background music only from 23.00 hours.
- (4) Live music to be limited to twelve occasions per year and to end at 23.00 hours in any event.
- (5) Activity of a similar description (karaoke) to be limited to twelve occasions per year and to end at 23.00 hours in any event.
- (6) Sale of alcohol on Monday and Tuesday, to end at 23.00 hours.

Reasons for granting licence: It was considered that the above conditions adequately dealt with the concerns of those making the representations.

The Panel solicitor reminded all parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

20. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE BELLEVUE

20.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a premises licence at the Bellevue (see Minute Book).

20.2 The applicant's representative Mr Phipps attended the Panel with Mr Grant of Punch Taverns. Mr Johnson attended the Panel as a residential objector to the application.

20.3 The Licensing Manager summarised the application as set out in the report. He reported that there were no representations from the Police or Environmental Health. Noise complaints had been received exclusively from Mr Johnson in 2003 and 2005.

20.4 Mr Johnson set out his objections. He considered that the hours requested were excessive. He could hear DJ's and loud banging dance music all hours of the night. He had given examples in a noise diary of noise experienced from the pub after closing hours. He had complained to the Police and Environmental Health.

20.5 The applicant's representative Mr Phipps suggested a condition on the licence to say that noise would be inaudible within the nearest noise

sensitive premises after 23.30 hours. If the condition was breached the premises could be closed. Mr Phipps also suggested a further condition stating that the outside area be cleared of all patrons by 23.00 hours.

20.6 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:-

(1) No amplified music or other entertainment noise from within the premises shall be audible in any residential premises between the hours of 23.30 and 10.00 hours.

(2) The outside seating area to be closed to patrons from 23.00 hours.

Reasons for granting licence: The above conditions offered by the applicants are considered to adequately address the concerns of the residential objector.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

The meeting concluded at 12.27 p.m.

Signed

Chair

Dated this

day of

2005